COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 22, 2006

OFFICE CORRESPONDENCE FILE NO. FO2169518

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY TRAVIS DOWDY #[redacted]
DEPUTY TONY GUERRERO #[redacted]
DEPUTY JOAQUIN RINCON #[redacted]
DEPUTY [redacted] #[redacted]
CENTURY STATION

At approximately 0110 hours on April 28, 2006, deputies from Century Station used force to arrest an auto burglary suspect, which resulted in the suspect sustaining injuries of a fractured facial eye orbital.

Deputies Tony Guerrero and Travis Dowdy, unit 216F, and Joaquin Rincon and Jefferson Chow, unit 216D, were dispatched to a call of an auto burglary in progress on Maie Avenue. Information in the call indicated a male Hispanic was burglarizing a red car.

Deputies Guerrero and Dowdy arrived at the scene first and saw Suspect Corea leaning into a red Mazda sedan. The driver's door was open and the suspect was partially inside the car as if attempting to retrieve an object. A bicycle was lying in the street next to the open car door. Guerrero and Dowdy stopped their patrol vehicle behind (south of) the suspect and approached him on foot.

When Deputy Guerrero was within five feet of Suspect Corea, Corea suddenly became aware of his presence, withdrew from the car, and took a step backward to flee. Deputy Guerrero noticed the strong odor of an alcoholic beverage emitting from Corea's breath and person and grabbed Corea's right wrist to prevent his escape.

Suspect Corea immediately attempted to jerk his arm free from Guerrero's grasp. Deputy Dowdy approached Corea from behind and grasped his left arm in an attempt to control it, but Corea continued to resist by wrenching he arms away from the deputies. Deputy Dowdy punched Corea once with his fist on the right side of Corea's body. Corea broke free of the deputies' grasps, and Guerrero grabbed Corea at the waist with both arms. Corea began swinging his arms violently an continued to try to run from the deputies.

As Guerrero and Dowdy were wrestling with Corea and attempting to gain control of him, Deputies Rincon and [redacted] arrived at the location.

All four deputies became engaged in a wrestling Corea to the ground while he continued to resist. During the struggle Deputy Rincon punched Corea twice with his fist on the left side of his ribs. The deputies were dragged off-balance behind the car and toward the sidewalk as Corea tried to escape. They tripped on the curb, and they and Corea fell forward onto the sidewalk. When they fell, Suspect Corea struck his face on the curb, and the deputies landed on top of him.

Corea continued to resist by swinging his arms and kicking at the deputies. He kicked at Deputy Rincon, landing a blow to his right hand. Deputy [redacted] got on top of Corea to prevent him from standing up, and applied a carotid restraint. Corea stopped resisting, and Deputy Guerrero gained control of Corea's right arm, Deputy Rincon gained control of the left, and they handcuffed him.

The deputies immediately placed the suspect on his side and monitored his breathing and consciousness, and paramedics were summoned to the scene to administer emergency first aid.

Suspect Corea was transported to St. Francis Medical Center, Lynwood, where he was examined and diagnosed with a fracture to his right facial orbital bone. He was also determined to have been drinking rubbing alcohol, and was held for observation for his intoxication.

Deputy Rincon sustained a minor injury to his hand.

On December 21. 2006 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by the deputies was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

JGJ:MOT:mt

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 406-06791-2176-145	Date: 04/28/06	Time: 0110 Hours
Location: Maie Avenue, B/T 88th Street and 89th Street, Los Angeles		
City or Station: Century Station		
Bureau/Station/Facility: Field Operations Region II	Admin. Investigation: YES ☐ NO ☒	

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Calderon	Charles		Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hiles	Richard	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Rampone	Nicholas	

Watch Commander's Signature: [signature] Emp #: [redacted]

Copy Provided to Employee by: ____________ Emp #: ________

Supervisor Completing Form: Sergeant Rossanna Taylor (Print) Emp #: [redacted]

Unit Commanders Signature: ____________ Emp #: ________ Date Signed: ________

PSTD Use Only

FO# 2169518

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/96

See Reverse

Supervisor's Report on Use of Force

URN: 406-06791-2176-145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S/COREA	E#1 [redacted]	UC	NN	
		RS	NN	
		PH	NN	
S/COREA	E#2 DOWDY	UC	NN	
		RS	NN	
		PH	NN	
S/COREA	E#3 GUERRERO	UC	NN	
		RS	NN	
		PH	NN	
S/COREA	E#4 RINCON	UC	NN	
		RS	NN	
		PH	NN	
		PK	AB	HD

Supervisor's Report on Use of Force

URN: 406-06791-2176-145

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(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
E#1 [redacted]	S/COREA	PH	NN	
		CT	FR	FA
		CR	NN	
E#2 DOWDY	S/COREA	PH	NN	
		CT	FR	FA
E#3 GUERRERO	S/COREA	PH	NN	
		CT	FR	FA
E#4 RINCON	S/COREA	PH	NN	
		CT	FR	FA

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 406-06791-2176-145

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[redacted]	[redacted]	[redacted]	[redacted]

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	[redacted]	[redacted]

Medical Exam/Treatment ☐	If Admitted, Name of Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Dowdy	Travis	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	Century Station	216F

Shift:		Age:	Height:	Weight:
☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	511	170

Medical Exam/Treatment ☐	If Admitted, Name of Hospital:	Coroner Case#	Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Guerrero	Tony	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	H	Century Station	216F

Shift:		Age:	Height:	Weight:
☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	195

Medical Exam/Treatment ☐	If Admitted, Name of Hospital:	Coroner Case#	Directed Force ☐ Significant Force ☒

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	Rincon	Joaquin	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	H	Century Station	216D

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	507	148

Medical Exam/Treatment ☐	If Admitted, Name of Hospital:	Coroner Case#	Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment ☐	If Admitted, Name of Hospital:	Coroner Case#	Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment ☐	If Admitted, Name of Hospital:	Coroner Case#	Directed Force ☐ Significant Force ☐

See Other Side

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 406-06791-2176-145

Suspect Information

S1

Last Name: Corea | First Name: Mario | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex:	Race:	Street Address:	City:	State & Zip Code:
☒ Male ☐ Female	H	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
		23	505	10-12-82	165	☐

Booking #: 9021863 | Primary Charge: 487(D)(1) PC | Secondary Charge: 69 PC | Criminal Histor[redacted]

Hospital Admission? ☐ | Rec'd Treatment At: St. Francis Medical Center | Coroner Case#: | Mental History ☐

Under Influence: ☒ YES ☐ NO Substance: Alcohol | Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
04-28-06	0110 Hours	☐	☒

Suspect Information

S_

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: | Primary Charge: | Secondary Charge: | Criminal History ☐

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case#: | Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: | Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
		☐	☐

Suspect Information

S_

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: | Primary Charge: | Secondary Charge: | Criminal History ☐

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case#: | Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: | Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
		☐	☐

Investigative Summary

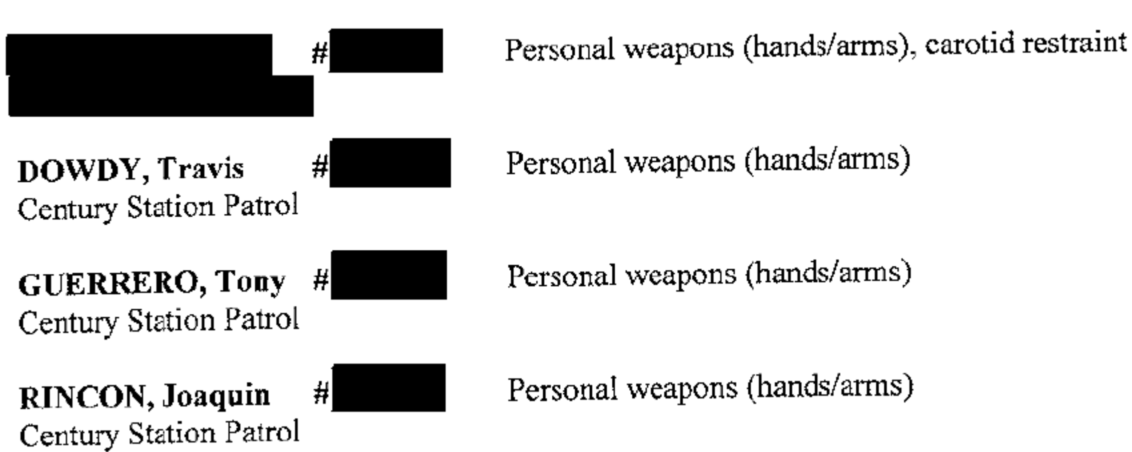
Type of Incident: Use of Force - Right Medial Orbital Wall Fracture
IAB File Number: FO 2169518
URN Number: 406-06791-2176-145

On April 28, 2006, at approximately 0110 hours, Century Station Deputies [redacted] Travis Dowdy, Tony Guerrero, and Joaquin Rincon were involved in an altercation with a male suspect who was uncooperative and resisted arrest for attempting to burglarize a vehicle (**See EXHIBIT A**). During the struggle, all four deputies and the suspect fell on the sidewalk, causing the suspect to fall face first and the deputies to fall on top of him. The suspect was transported to Saint Francis Medical Center, where it was determined he sustained a right medial orbital wall fracture.

On April 28, 2006, at approximately 1106 hours, Sergeant Gregory Key of the Internal Affairs Bureau, responded to Saint Francis Medical Center regarding the use of force incident. On September 13, 2006, this force review was re-assigned to Internal Affairs Bureau Sergeant, Rossanna Taylor.

The summary of this incident is based on information obtained from reports and other documents regarding Century Station File #406-06791-2176-145, and suspect interview. **(See EXHIBITS A - I)**

Involved Personnel



[redacted]	#[redacted]	Personal weapons (hands/arms), carotid restraint
DOWDY, Travis Century Station Patrol	#[redacted]	Personal weapons (hands/arms)
GUERRERO, Tony Century Station Patrol	#[redacted]	Personal weapons (hands/arms)
RINCON, Joaquin Century Station Patrol	#[redacted]	Personal weapons (hands/arms)

Work History

Deputy [redacted] #[redacted]
Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]



Deputy Dowdy #[redacted]
Date of Employment: 04-02-1998
Date Assigned to Patrol: 03-25-2001
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): Yes, 2004
Prior Founded Force Incidents: [redacted]

Deputy Guerrero #[redacted]
Date of Employment: 01-09-1997
Date Assigned to Patrol: 01-28-2001
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): Yes, 2004, 2006
Prior Founded Force Incidents: [redacted]

Deputy Rincon #[redacted]
Date of Employment: 09-23-1999
Date Assigned to Patrol: 10-30-2005
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

Suspect

COREA, Mario, MH/23, Booking # 9021863

Suspect Corea has a limited [redacted]

Sworn Witnesses

None

Civilian Witnesses

A canvass of the surrounding residential area was conducted by Century Station personnel. No witnesses to the use of force were located.

Injuries

Suspect Corea was transported to the emergency room of Saint Francis Medical Center, which is located at 3630 Imperial Highway, Lynwood, Ca., 90262 (Telephone # [310] 900-4525), where he was examined by Doctor Patricia Wong **(EXHIBIT J)**.

Doctor Wong said Suspect Corea sustained a right medial orbital wall fracture, right knee contusions, soreness to the nose and probably rubbing alcohol poisoning, refer to **Exhibit**

H and I, Digital Photographs and Saint Francis Medical Center Medical Records of Suspect Corea, respectively.

When asked if the orbital wall fracture was consistent with falling to the ground, Doctor Wong responded, "I guess so, I'm not sure. Usually it's more like a punch, but he doesn't have any swelling there, so I'm surprised it's broken."

Deputy Rincon sustained an abrasion and swelling to his right pinky finger **(See Miscellaneous Document for photographs).**

Physical Evidence

None

Investigators Observations

None

Weapons Used by Deputy Personnel/Suspect

All four deputies used verbal commands, personal weapons (hands/arms), and control holds, while Deputy [redacted] additionally used the carotid restraint to restrain the Suspect.

Suspect Corea was uncooperative, resistive, under the influence of an alcoholic beverage, and used his arms and legs in an attempt to avoid arrest and/or handcuffing.

Property Damage

None

Criminal Investigator/ Charges Filed

On April 28, 2006, Suspect Corea was arrested for 664/487(d) PC, Attempt Grand Theft Auto, 69 PC, Obstruct Peace Officer in Performance of Duties, and 243(b) PC, Battery on a Peace Officer. Century Station Detective Corey Walker, #[redacted] is the assigned investigator and said on July 27, 2006, the District Attorney dismissed all the charges in lieu of three opened probation violations, which he, subsequently, received 40 months of state prison time for.

Lighting and Weather Conditions

The incident occurred at 0110 hours on April 28, 2006, and it was dark with only minimal artificial lighting provided by overhead street lights. The weather was clear and dry.

Involved Employee Statements

The narratives which follow are intended only as a synopsis of the interviews.

Deputy [redacted] 10-23-06, 1447 hrs, at IAB

Deputy [redacted] articulated substantially the same as in his initial report (**EXHIBIT C**), which he said is a true and accurate account of the incident. [redacted] added as he and his partner, Deputy Rincon, were approaching the scene while still inside their patrol car, he could see the deputies (Dowdy and Guerrero) already on scene were in a fight with the suspect. He said upon his arrival at the scene, he could immediately smell a strong odor of rubbing alcohol in the air. He said when he engaged in assisting the deputies, the suspect tried to get away, tripped on the sidewalk, and fell to the ground, face down, with all the deputies inadvertently falling on top of the suspect. He said the suspect continued to resist while on the ground, and it appeared the suspect was very strong considering the stature of all the deputies present.

Once on the ground with the suspect, [redacted] said he saw Deputy Rincon punch the suspect twice in the torso. [redacted] said due to the assaultive, high risk situation at hand, he got on top of the suspect, who was laying face down on the ground, spitting and yelling things in Spanish he could not understand, and administered the department's carotid restraint on the suspect, while still giving the suspect commands to stop resisting in English. He said he could now smell a strong odor of alcohol coming from the suspect. He said the suspect kept resisting, was extremely strong and was overwhelming him. He said he was at a point where he felt his arm muscles begin to feel fatigued. He said the suspect 'went out' for about one to two seconds and Deputy Rincon was able to put only one handcuff on the suspect before the suspect regained consciousness and began resisting and flailing his hands again. [redacted] said fearing the suspect could now be armed with a handcuff on one of his wrists, as he attempted a second carotid restraint. Deputy Rincon was then able to totally handcuff the suspect, so he [redacted] immediately stopped the second carotid restraint.

[redacted] said he did not see any deputy use any other force or any impact weapon on the suspect.

Deputy Travis Dowdy, 11-01-06, 1332 hrs, at IAB

Deputy Dowdy articulated substantially the same as in his initial report **(EXHIBIT D)**, which he said is a true and accurate account of the incident. Dowdy added he and his partner, Deputy Guerrero, were assigned a burglary now call, and upon their arrival, they saw a male fitting the description of the call, inside the driver's side of the car.

Dowdy said Guerrero approached the suspect first and immediately attempted to grab one of his arms, but the suspect swung his arms away. He said upon his approach, he also tried to grab the suspect's arms, and again the suspect swung his arms away. He said at this time, he punched the suspect once to his torso, but it had no effect on the suspect.

Dowdy said upon [redacted] and Rincon's arrival, they were all engaged in a struggle with the struggle, which caused the suspect to fall onto the sidewalk, first face, with the rest of them falling on top of him. He said the suspect kept fighting/resisting/kicking. He said he believed Rincon sustained an injury to his hand from the suspect's kicking. He said [redacted] then got on top of the suspect's back and performed a carotid restraint. He said it seemed to have worked and the suspect was handcuffed without further incident. He said he was surprised at the suspect's strength due to the deputies heights and weights. He described the suspect as a 'little guy.'

Dowdy said he did not see any other deputy use any other force or impact weapon on the suspect.

Deputy Tony Guerrero,10-23-06-06, 1535 hrs, at IAB
Deputy Guerrero articulated substantially the same as in his initial report **(EXHIBIT B)**, which he said is a true and accurate account of the incident. Guerrero added he and his partner, Deputy Dowdy, were the first to respond to the scene and saw a male Hispanic inside the driver's side of a red vehicle, appearing to burglarize it. Guerrero said upon his initial contact with the suspect, he smelled the odor of alcohol coming from the suspect, and the suspect looked startled. As he immediately grabbed the suspect's right wrist, the suspect spun around and knocked him (Guerrero) down with the swinging of his left arm. He said his partner tried to grab the suspect's left wrist, but a struggle ensued. He said as he then grabbed the suspect's waist, assisting unit [redacted] and Rincon arrived. Guerrero said all the deputies present were then involved in a struggle with the suspect, which caused them all to unintentionally stumble on to the sidewalk, with the suspect hitting the ground first with his face. He said the suspect kept swinging his arms and kicking his legs while on the ground., and believes Rincon got kicked by the suspect.

Guerrero said [redacted] then positioned himself on the suspect's back, while the suspect was face down, and administered the carotid restraint. He said he was then able to apply his handcuff on the suspect's right hand, but the suspect regained consciousness and kept kicking his legs. He said [redacted] tried to administer the carotid restraint again, but deputies were able to handcuff both arms at that time. [redacted] discontinued his second attempt.

Guerrero said the suspect was small, about 5'05" and no more than 130 lbs., but was 'super strong,' and was tossing him and his partners all over the place. He said although he (Guerrero) speaks and understands Spanish, he could not understand a word the suspect was yelling.

Guerrero said he did not see Rincon, nor any other deputy use any other force or use any impact weapon on the suspect.

Deputy Joaquin Rincon, 10-23-06, 1420 hrs, at IAB
Deputy Rincon articulated substantially the same as in his initial report **(EXHIBIT E),** which he said is a true and accurate account of the incident. Rincon added as he and his partner, Deputy [redacted] were approaching the scene, he could see the deputies (Deputies Dowdy and Guerrero) already on scene were in a fight with the suspect. Rincon said as he approached the other deputies and the suspect, he immediately assisted in giving the suspect verbal commands to stop fighting/resisting in both English and Spanish, and in trying to gain control of the suspect's arms, but the suspect continued to ignore all orders and kept resisting. He said the suspect kept trying to get away, swing his arms and continued to fight.

Rincon said the suspect was yelling and screaming in Spanish, but he (Rincon, a Spanish speaking deputy) could not understand a word. Rincon said he smelled a strong odor of alcohol coming from the suspect. He said since the suspect kept resisting, he punched him twice in his rib cage to gain control, but they were ineffective because the suspect kept fighting. He said as the suspect tried to forcibly walk away, the suspect's momentum took everyone forward toward the ground on the sidewalk. Rincon said he and the other deputies all fell on top of the suspect, who hit the sidewalk, face first. He said the suspect continued to fight and kick, and as he tried to grab one of his legs, the suspect kicked him on his right hand, causing an abrasion/contusion **(Miscellaneous Documents).**

Rincon said since the deputies could not get the suspect's arms behind his back, Deputy [redacted] got on the suspect's back, while the suspect was face down on the ground, and applied the carotid restraint, which allowed him (Rincon) to place only one handcuff on the suspect before he regained

consciousness and kept fighting/resisting. He said Deputy [redacted] attempted a second carotid restraint, but Deputy Guerrero was able to handcuff the other hand, so [redacted] immediately stopped his second attempt.

Rincon said he did not see any other deputy use any other force or use any impact weapon on the suspect.

Witness Statements

None

Suspect Statements

Corea, Mario, Bkg. # 9021863, transient
Suspect Corea was interviewed by field sergeant, Sergeant Charles Calderaro, [redacted] unit 216S, at the scene on April 28, 2006, at approximately 0153 hours **(EXHIBIT K)**. Corea was under the influence of an alcoholic beverage and not coherent. When asked what had happened, Corea mumbled, "I don't know." When asked if he had injuries, Corea mumbled, "No." When asked if he had been drinking, Corea mumbled, "Yes." When asked again if he was injured, Corea mumbled/nodded, "Yes."

Suspect Corea was also interviewed Sergeant Gregory Key, at Saint Francis Medical Center on April 28, 2006, at approximately 1106 hours **(EXHIBIT K)**. Corea was more coherent by this time and was asked questions with the use of an interpreter, Sergeant Teresa Anderson, [redacted] from Century Station. When asked what happened the night before when deputies used force, Corea responded, "They didn't fight with me." When asked what happened, Corea responded, "I entered a car thinking it was my girlfriends' and it wasn't hers. When I exited the car and tired to get on my bike, the cops took me. I was very drunk." When asked how he got the injury to his face, Corea responded, "I can't tell you. I either fell off my bike or the deputies hit me." When asked if he remembered the deputies hitting him, Corea responded, "There were abou 8 to 10 deputies, I don't know. They didn't hit me, they just arrested me. I told them I didn't do anything wrong." When asked if he remembered fighting with the deputies, Corea said, "No." When asked what he had been drinking, Corea responded, "3-4 beers and a little Tequila."

Miscellaneous Statements

None